CHAPTER 5

PROCESSING & REPORTING COMPLAINTS

Overview

- Protected communication
- Methods to address inappropriate behavior
- Avenues to file a formal complaint
- Complaint investigation and action procedures
- Formal complaint procedures
- Procedures and requirements to file a Discrimination and Sexual Harassment (DASH) Report

Protected Communication

- Complaints are sensitive in nature
- Applies to witnesses during an investigation
- Applies to communications received by third parties
- Protected vs. Confidential

Protected Communication

- **Privacy Act**
  - **Individual privacy, to the maximum extent possible**
- **Security of Information**
  - **Maintained in a secure location**
  - **Submit a formal request to the commanding officer**
  - **Other requests must be submitted in accordance with the Freedom of Information Act**
  - **Maintained for a minimum of 2 years**

Methods to Address Inappropriate Behavior

- **Informal Resolution System (IRS)**
  - **Resolve conflict that is less than criminal in nature**
  - **Is the complainants decision**
  - **The most expeditious means to attempt resolution**

Methods to Address Inappropriate Behavior

- **Formal Complaint**
  - **Used to seek a formal resolution to a complaint of inappropriate behavior**
  - **Forward complaint immediately to the commander**
  - **Can only be resolved by the commander**
  - **Reported to CMC via DASH**

Avenues to File Formal Complaints

- Request Mast
- Article 138
- Article 1150
- Communications With Inspector Generals
- Communications With Congress

Initiation of a Complaint

- Any person may report suspected cases of discrimination
- May be made orally, in writing, or both
- It must be forwarded immediately to the proper authority
- A complaint is not the same as preferring charges

Complaint Investigation & Actions

- **Commanding Officer of the alleged offender conducts a thorough investigation and takes appropriate action**
  - **If a commander is unable to resolve the case, they may forward the case to higher command for resolution**
- **Complainant's command files the DASH**
  - **Complainants will be advised of the progress of the investigation every 14 days**

Complaint Investigation & Actions

- **Complaints involving personnel from different commands and geographic locations**
  - **Require close coordination between commands**
- **Involving other than Marine Corps / civilian personnel**
  - **Reported to the individual's Commanding Officer or supervisor**
- **Involving civilian contractors**
  - **Reported to the contracting company, via the Commanding Officer**

Formal Complaints

- **Filed (registered) within 60 days**
- **Within 3 working days / 72 hours**
- **Within 72 hours a detailed description of the allegation(s) is forwarded to GCMCA**
- **Commander informs the complainant when the investigation has commenced**

Formal Complaints

- Complete the investigation within 14 days
- Ensure a legal sufficiency review and an EO review and is conducted on the findings and recommendations
- Only CG can authorize only 30 days of extension

Formal Complaints

- 6 days upon completion of the investigation a final written report is forwarded to GCMCA
- Include statement from complainant on degree of satisfaction or dissatisfaction with the resolution
- Statement taken by the EOA or EOR
- Commander’s final written report / a final DASH report will be submitted

Formal Complaints

- **Updates and feedback provided to the complainant every 14 days**

- **DASH needs to reflect if the case is referred to NJP, court martial and / or administrative separation proceeding**

Discrimination and Sexual Harassment Reports (DASH)

- **Formal complaint is filed and a Marine is involved**

- **Tracks all formal complaints of discrimination or sexual harassment and the parties involved**

Discrimination and Sexual Harassment Reports (DASH)

- **Initial Report**
  - Indicates the initiation of an investigation
  - Submitted within 20 days after the date on which the investigation commenced
- **Continuation**
  - Required if cannot be completed within 14 days
- **Final**
  - When the investigation is complete and final disposition has been rendered
  - Updates are required to reflect the status of the disposition when a Marine is recommended for NJP or court-martial

Discrimination and Sexual Harassment Reports (DASH)

- **DASH report not required when:**
  - **Only civilian personnel involved**
  - **Alleged complainant is not a Marine or military member**

DASH Reporting Procedures

- **Provide information that is relevant to the alleged behavior of discrimination / harassment**

- **Offender's command provides resolution information to the complainant's command for a final DASH update**

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